

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

VERNON WAIT, Register No. 151620,)
Plaintiff,)
v.) No. 08-4012-CV-C-SOW
DR. SETHI, et al.,)
Defendants.)

ORDER

On April 9, 2008, United States Magistrate Judge William A. Knox recommended dismissing plaintiff's claims against defendant Missouri Department of Corrections (MDOC). The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C).

The court has conducted a de novo review of the record, including the exceptions filed by plaintiff on April 16, 2008. The court is persuaded that the recommendation is correct and should be adopted, in part. Plaintiff's damage claims against defendant MDOC are dismissed; however, to the extent plaintiff seeks declaratory and injunctive relief, such claims against defendant MDOC may proceed.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of April 9, 2008, is adopted, in part. [7] It is further

ORDERED that plaintiff's damage claims against Missouri Department of Corrections are dismissed, pursuant to 28 U.S.C. § 1915A, for failure to state a claim for which relief can be granted.

/s/ Scott O. Wright
SCOTT O. WRIGHT
Senior United States District Judge

Dated: 5/29/2008
Kansas City, Missouri